

US EPA ARCHIVE DOCUMENT

# simplifying Compliance

## **Compliance Assistance and Self Audits**

Kentucky's Perspective



# What If You Find A Problem?



- Take a chance and hope nothing happens
- Seek assistance from the agency
- Conduct a Kentucky Environmental Audit
- Conduct an EPA Self-Audit
- No matter what - get involved and fix the problem!

# DCA's Compliance Assistance Services



- Respond to help-desk requests
  - 1-800-926-8111
  - [envhelp@ky.gov](mailto:envhelp@ky.gov)
- Provide advanced assistance to small businesses and communities
- Conduct training on environmental and regulatory topics
- Prepare compliance assistance tools and information resources



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# DCA Does Not...



- Issue NOVs
  - We will refer if there is a danger to human health or the environment
- Interfere with the role of the inspector
- Act as the corrective action
  - We assist with the corrective action
- Make determinations
  - We make recommendations

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# DCA's Enforcement Discretion



- DCA has the authority to provide facilities with a **reasonable opportunity to correct violations** disclosed or identified during a compliance assistance activity.
- Violations will be noted as an Area of Concern in the division's Compliance Assistance Report
- DCA may require the facility to enter into a Compliance Implementation Agreement
- Failure to honor a Compliance Assistance Agreement can result agency action

# Kentucky Environmental Audit



- KRS 224.01-040
- May protect the party from EPA action
- Protects the party from 3<sup>rd</sup> party action
- Protects the party from state civil penalties
- Statutory criteria must be met to remain eligible for privilege

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# Kentucky Environmental Audit



- **Penalty Waiver Checklist**

- The owner or operator made a voluntary disclosure
- The disclosure was made prior to any inspection, citizen suit, complaint by third party, a report of the violation, or imminent discovery
- The disclosure was based on voluntary discovery
- The violation was corrected within 60 days
- The owner agreed in writing to take steps to prevent recurrence
- The violation has not occurred within the past three years, is not part of a pattern, and is not an act of omission for which the facility received penalty mitigation
- The violation has not resulted in serious actual harm, presented an imminent threat to human health or the environment, or violated a judicial or administrative agreement
- The violation has not resulted in significant economic benefit
- The owner has cooperated with the cabinet



# Get Personally Involved



1. Prevent problems from occurring
  - SOPs and management plans
2. Establish a process to identify problems that have occurred
  - Use a self-assessment tools
  - Form partnerships
3. Immediately correct problems that are identified
  - Seek help if necessary